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Human rights situations and reports of special rapporteurs and representatives

Andorra, Canada, Czech Republic, Hungary, Ireland, Latvia, Luxembourg, Netherlands, Norway, Slovakia and United States of America: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

Recalling its resolution 52/146 of 12 December 1997 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998,[3]

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[4] and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda[5] and refers also to the relevant reports of the Special Rapporteur on violence against women and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;

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[1] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.

[2] Resolution 260 A (III).

[3] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[4] A/53/367.

[5] A/53/402.

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2. *Expresses its deep concern* at the widespread and serious violations of human rights and international humanitarian law in Rwanda, in particular at the high number of disappearances and killings in the context of the armed conflict in the north-west;

3. *Reiterates* its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights perpetrated in Rwanda;

4. *Urges* all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

5. *Commends* the International Criminal Tribunal for Rwanda for the progress made in its work, and urges States to cooperate with the tribunal to allow it to speed up proceedings;

6. *Deeply regrets* that, despite the continued efforts of the High Commissioner for Human Rights no agreement could be reached between the Government of Rwanda and the United Nations High Commissioner for Human Rights on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998;

7. *Welcomes* the decision of the Government of Rwanda to create a National Human Rights Commission, and urges the Government of Rwanda to take appropriate action to enable the Commission to be fully established and to begin functioning independently in accordance with the international principles relating to the development of independent, pluralistic national institutions for the promotion and protection of human rights;

8. *Urges* the Government of Rwanda to undertake a broad public debate aimed at further strengthening the functioning and independence of the National Human Rights Commission, urges the Government of Rwanda to work with the United Nations High Commissioner for Human Rights to facilitate the debate, and encourages the United Nations High Commissioner for Human Rights to continue to provide appropriate assistance;

9. *Notes* the commitment of the Government of Rwanda to investigating reports of extrajudicial executions committed by some members of its security forces and calls upon the competent national authorities to conduct those investigations promptly and with all due rigour;

10. *Urges* the Government of Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

11. *Stresses* the need for continued efforts by the Government of Rwanda to ensure the independence of the judiciary and to further strengthen, with the support of the international community, the capacity of the judicial system, particularly to take additional steps to ensure full respect of fair trial guarantees, as required by Rwandan law, article 14 of the International Covenant on Civil and Political Rights,[6] and other international safeguards;

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[6] Resolution 2200 A (XXI), annex.

12. *Welcomes* the continuation of trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, particularly the expedition of the initial stages of prosecution;

13. *Reiterates* its appeal to the international community to provide assistance to the Government of Rwanda to help strengthen the administration of justice, including with regards to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by the donor community;

14. *Welcomes and encourages* the release of detained persons on humanitarian grounds and urges the Government of Rwanda to establish adequate measures to facilitate the reintegration of released persons into society;

15. *Reiterates its concern* at the conditions in most communal detention centres and prisons, emphasizes the need for greater attention and resources to be directed to that problem and encourages the Government of Rwanda to continue to look for pragmatic solutions to allow for an increase of the number of prisoners being released and reintegrated into society, and again urges the international community to assist the Government of Rwanda in that area;

16. *Encourages* continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights and the Government of Rwanda;

17. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.